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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,743	12/06/2000	Steven B. Bridgers	P-5200-01-00	7935

7590 07/10/2003

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WASHINGTON, DC 20007-5109

EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/729,743

Applicant(s)

BRIDGERS, STEVEN B.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 17, 2003 has been entered.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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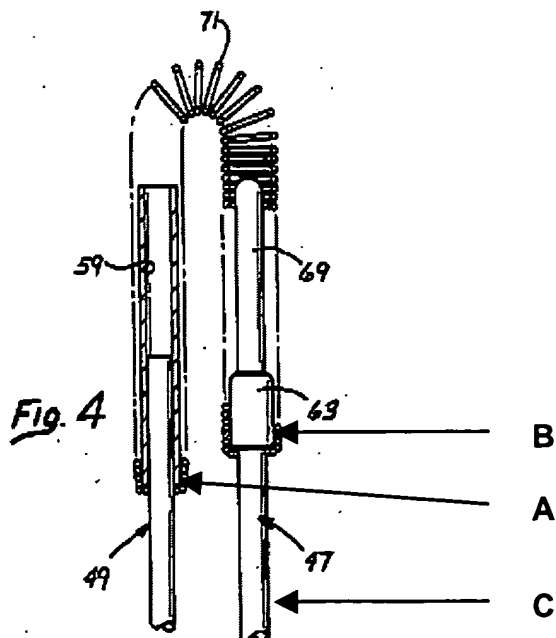
4. Claims 19-21, 25, 34, 35, 38-40, 44, 48, 49, 58, 59, 64-66, 70, 71, 74, 75, 80 and 83-88 are rejected under 35 U.S.C. 102(b) as being anticipated by Eppenbach (USPN 5,590,674).

As to claim 19, Eppenbach discloses a connector module having:

a body (main or principle part) **57**;

a resilient member **71** accommodating translational (compression of spring **71**) and rotational motion (bending of spring **71**) in more than one plane, the resilient member having a first end **A** connected to the body and a second end **B**;

a strut **47,63,69**, the strut having a first end **63,69** connected to the second end of the resilient member and a second end **C** for connection to another structural element (an identical connector module having a body **57**; Figures 2-5).



As to claim 20, Eppenbach discloses a connector module wherein another structural element comprises a second connector module (Figures 3 and 4).

As to claim 21, Eppenbach discloses a connector module wherein another structural element has a second strut (attached to a body **57** of the another structural element; Figures 3 and 4).

As to claim 25, Eppenbach discloses a connector module having a strut **47,63,69** having a telescoping member **69** (telescoping member **69** is telescopically received within cavity **59** of body **57**; Figures 3 and 4).

As to claim 34, Eppenbach discloses a connector module having a resilient member **71** providing a degree of motion permitting a strut **47,63,69** to move between a position in a first plane and a position in a second plane (Figures 3 and 4).

As to claim 35, Eppenbach discloses a connector module having a strut **47,63,69** having a telescoping member **69** (telescoping member **69** is telescopically received in cavity **59** of body **57**; Figures 3 and 4).

As to claim 38, Eppenbach discloses a connector module having a resilient member **71** accommodating axial motion (Figures 4).

As to claim 39, Eppenbach discloses a connector module wherein another structural element comprises a second the connector module (Figures 3 and 4).

As to claim 40, Eppenbach discloses a connector module wherein another structural element has a second strut (attached to a body **57** of the another structural element; Figures 3 and 4).

As to claim 44, Eppenbach discloses a connector module having a strut **47,63,69** having a telescoping member **69** (telescoping member **69** is telescopically received in cavity **59** of body **57**; Figures 3 and 4).

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As to claim 48, Eppenbach discloses a connector module having a resilient member **71** providing a degree of motion permitting a strut **47,63,69** to move between a position in a first plane and a position in a second plane (Figures 3 and 4).

As to claim 49, Eppenbach discloses a connector module having a strut **47,63,69** having a telescoping member **69** (telescoping member **69** is telescopically received in cavity **59** of body **57**; Figures 3 and 4).

As to claim 58, Eppenbach discloses a structure comprising a plurality of connector modules, each the connector module comprising;

- a body (main or principle part) **57**;

- a resilient member **71** accommodating translational (compression of spring **71**) and rotational motion (bending of spring **71**) in more than one plane, the resilient member having a first end **A** connected to the body and a second end **B**;

- a strut **47,63,69**, the strut having a first end **63,69** connected to the second end of the resilient member and a second end **C** for connection to another structural element (Figures 2-5).

As to claim 59, Eppenbach discloses a structure having a strut **47,63,69** having a telescoping member **69** (telescoping member **69** is telescopically received in cavity **59** of body **57**; Figures 3 and 4).

As to claim 64, Eppenbach discloses a structure having an adjustable shape defined by connections between a second end **C** of a strut **47,63,69** and another structural element and a position of the resilient member **71** of a connector module (Figures 5 and 6).

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As to claim 65, Eppenbach discloses a structure which is collapsible (Figure 5).

As to claim 66, Eppenbach discloses a structure having a strut **47,63,69** of a connector module having a telescoping member **69** (telescoping member **69** is telescopically received in cavity **59** of body **57**; Figures 3 and 4).

As to claim 70, Eppenbach discloses a structure having a resilient member **71** accommodating axial motion (Figures 3 and 4).

As to claim 71, Eppenbach discloses a structure having a strut **47,63,69** having a telescoping member **69** (telescoping member **69** is telescopically received in cavity **59** of body **57**; Figures 3 and 4).

As to claim 74, Eppenbach discloses a structure having a resilient member **71** accommodating axial motion (Figures 3 and 4).

As to claim 75, Eppenbach discloses a structure having a resilient member **71** accommodating axial motion (Figures 3 and 4).

As to claim 80, Eppenbach discloses a connector module comprising:

a body (main or principle part) **57**;

a resilient member **71** accommodating axial, translational (compression of spring **71**) and rotational motion (bending of spring **71**), the resilient member having a first end **A** and a second end **B**;

a telescoping strut **47,63,69** (telescoping member **69** is telescopically received in cavity **59** of body **57**) having a first end **63,69** connected to the second end of the resilient member and a second end **C**, the second end being connectable to another structural element (Figures 2-5).

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As to claim 83, Eppenbach discloses a structure comprising a plurality of connector modules, each of the connector modules comprising:

a body (main or principle part) **57**;

a resilient member **71** accommodating axial, translational (compression of spring **71**) and rotational motion (bending of spring **71**), the resilient member having a first end **A** and a second end **B**;

a telescoping strut **47,63,69** (telescoping member **69** is telescopically received in cavity **59** of body **57**) having a first end **63,69** connected to the second end of the resilient member and a second end **C**, the second end being connectable to another structural element (Figures 2-5).

As to claim 84, Eppenbach discloses a structure assuming a plurality of shapes determined by relative positions of the resilient member **71** and the telescoping strut **47,63,69** of each of a plurality of connector modules (Figures 3 and 4).

As to claim 85, Eppenbach discloses a structure assuming a first shape in two dimensions and a second shape in three dimensions (Figures 5 and 6).

As to claim 86, Eppenbach discloses a structure assuming a first shape in two dimensions and a second shape in three dimensions (Figures 5 and 6).

As to claim 87, Eppenbach discloses a structure wherein a resilient member **71** of each of a plurality of connector modules is biased to cause the structure to assume a shape absent an external force (spring **71** is biased to an equilibrium state, holding strut member **69** within cavity **59** of body **57**).



As to claim 88, Eppenbach discloses a structure wherein a resilient member **71** of each of a plurality of connector modules is biased to cause the structure to assume a shape absent an external force (spring **71** is biased to an equilibrium state, holding strut member **69** within cavity **59** of body **57**).

***Allowable Subject Matter***

Claims 22-24, 33, 36, 37, 41-43, 45-47, 50-57, 60-63, 67-69, 72, 73 and 76-79 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed June 17, 2003 have been fully considered but they are not persuasive.

As to claims 19, 58, 80 and 83, the attorney argues that:

Eppenbach does not disclose a connector module having a *body*.

The examiner does not agree. As to claim 19, 58, 80 and 83, Eppenbach discloses a connector module having a body **57** (ferrule **57** being a main or principle part; thus defining a body; Figures 2-5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703)308-1159. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1114.

MPF  
July 1, 2003

  
**Lynne H. Browne**  
**Supervisory Patent Examiner**  
**Group Art Unit 3679**